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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Dante PELLEGRINI

Appl. No. 09/736,134

Filed: December 15, 2000

For: SYSTEM THAT TRANSFERS
ASSET OWNERSHIP USING A
PROBABILISTIC MODEL

Art Unit: 3693

Examiner: Jason M. Borlinghaus

Atty. Docket No.: 22571-166778

Confirmation No.: 8140

Customer No:

26694

PATENT TRADEMARK OFFICE

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition and request a review of the PATENT TERM ADJUSTMENT in the above-identified application relating to the subject allowed U.S. patent application.

The Patent Office has indicated a patent term adjustment of 250 days. Based on applicant's review of the file, however, it is respectfully submitted that the **correct PTA is 1159 days**, based on the facts set forth below:

1. The Application was filed on December 15, 2000. The first Office Action was not mailed until March 11, 2004. The Office determined that the PTA for this delay to be 755 days. Applicant agrees with this determination.
2. A response to the first Office Action was timely filed on June 3, 2004 ("June 3rd, 2004 Response"). The Office did not issue a final Office Action until October 8,

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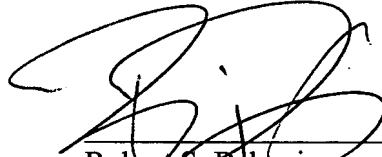
2004. The Office determined that the PTA for this delay to be 5 days. Applicant agrees with this determination.
3. Applicant filed an Request for Continued Examination (RCE) on January 19, 2005, along with a one-month Request for Extension of Time, expressly requesting reconsideration of the June 3rd, 2004 Response.
 4. The Office incorrectly determined that the RCE of January 19, 2005 as improper.
 5. No notice of improper filing of RCE was mailed to the Applicant.
 6. The Application was found abandoned on August 18, 2005.
 7. No Notice of Abandonment was mailed to the Applicant.
 8. On October 4, 2005, Applicant filed a Petition to Withdraw Holding Of Abandonment Under 37 CFR 1.181(a).
 9. In a Decision issued on June 1, 2006 (the Decision), the Petition was **GRANTED** and the Notice of Abandonment was **VACATED** as **mailed in error**. Specifically, the Decision held that the RCE of January 19, 2005 was properly filed in compliance with 37 CFR 1.111 and the Office should have reconsidered the previously filed June 3rd, 2004 Response.
 10. On July 3, 2006, a non-final rejection was mailed replying to the June 3rd, 2004 Response.
 11. The Office determined that the PTA should be reduced by 509 days based on the abandonment of the Application.
 12. Applicant respectfully disagrees with this determination because the Application was abandoned due to error on the part of the USPTO and not any fault of the Applicant, for the reasons set forth in the Decision.
 13. But for the office's erroneous holding of abandonment in this case, the 509 days of delay would not have occurred.
 14. In any event, under 37 CFR 1.704(c), the adjustment period set forth in § 1.703 may be reduced as a result of “(4) failure to file a petition to withdraw the holding of abandonment or to revive an application within two months from the mailing date of a notice of abandonment ...”

15. It is respectfully submitted that Applicant submitted the Petition to Withdraw Holding Of Abandonment within two (2) months of the notice of Abandonment. Therefore, the abandonment of the Application does not “constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of the application”, as set forth in 37 CFR 1.704(c).
16. Accordingly, it is respectfully submitted that the **reduction of the PTA by 509 days is an error.**
17. Instead, the PTA should have been reduced by only 11 days, resulting from the Applicant’s delay in filing the RCE of January 19, 2005 in response to the final Office Action of October 8, 2004.
18. In addition, it is respectfully submitted that **the PTA should be adjusted by an additional 410 days**, under 37 CFR § 1.702(a)(2) and § 1.703(a)(2).
19. Applicant is entitled to a PTA for the delay of 410 days between four months after the RCE of January 19, 2005 was filed and the subsequent Office Action of July 3, 2006. Applicants incurred this delay as a result of the failure of the Office to consider the June 3rd, 2004 Response, as requested expressly in the RCE of January 19, 2005, until July 3, 2006, when the non-final rejection was mailed in reply to the June 3rd, 2004 Response.
20. Accordingly, it is respectfully submitted that due to these delays, Applicant is entitled to an additional PTA of at least 410 days.
21. Based on the foregoing, the Applicant is entitled to a **total PTA of at least 1159 days**, including 755 days (as set forth in Paragraph 1) plus 5 days (as set forth in Paragraph 2) plus 410 days (as set forth in Paragraphs 19 and 20) minus 11 days (as set forth in Paragraph 17).

It is respectfully requested that the PTA for this application be reviewed and adjusted accordingly. This application is not subject to any terminal disclaimers.

Please charge our Deposit Account No. 22-0261 in the amount of \$200.00 covering the Petition fee set forth in 37 CFR 1.18(e). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0261, under Order No. 22571-166778.

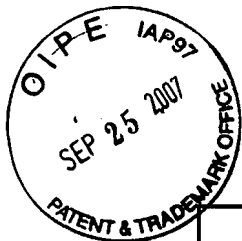
Respectfully submitted,



Date: September 25, 2007

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2007		Complete if Known	
		Application Number	09/736,134-Conf. #8140
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	December 15, 2000
TOTAL AMOUNT OF PAYMENT (\$)		First Named Inventor	Dante Pellegrini
		Examiner Name	J. M. Borlinghaus
		Art Unit	3693
		Attorney Docket No.	22571-166778

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: 22-0261
Deposit Account Name: Venable LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
2. EXCESS CLAIM FEES							
Fee Description						Small Entity Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
Total Claims		Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims		
_____ - 20 = _____		x _____	= _____		Fee (\$)	Fee Paid (\$)	
HP = highest number of total claims paid for, if greater than 20.							
Indep. Claims		Extra Claims	Fee (\$)	Fee Paid (\$)			
_____ - 3 = _____		x _____	= _____				
HP = highest number of independent claims paid for, if greater than 3.							
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets		Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)		
_____ - 100 = _____		/50 = _____	(round up to a whole number) x _____	= _____			
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)						Fees Paid (\$)	
Other (e.g., late filing surcharge): 1555 Filing an application for patent term adjustment						200.00	

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	33,471
Name (Print/Type)	Robert S. Babayi	Telephone	(202) 344-4000
		Date	September 25, 2007